

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1174

AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to school accreditation, with an emergency clause.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1       Section A. Sections 162.081 and 162.083, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as  
3 sections 162.081 and 162.083, to read as follows:

4       162.081. 1. Whenever any school district in this state  
5 fails or refuses in any school year to provide for the minimum  
6 school term required by section 163.021 or is classified  
7 unaccredited [for two successive school years by the state board  
8 of education, its corporate organization shall lapse. The  
9 corporate organization of any school district that is classified  
10 as unaccredited shall lapse on June thirtieth of the second full  
11 school year of such unaccredited classification after the school  
12 year during which the unaccredited classification is initially  
13 assigned. The territory theretofore embraced within any district  
14 that lapses pursuant to this section or any portion thereof may

1 be attached to any district for school purposes by the state  
2 board of education; but no school district, except a district  
3 classified as unaccredited pursuant to section 163.023 and  
4 section 160.538 shall lapse where provision is lawfully made for  
5 the attendance of the pupils of the district at another school  
6 district that is classified as provisionally accredited or  
7 accredited by the state board of education], the state board of  
8 education shall:

9 (1) Review the governance of the district to establish the  
10 conditions under which the existing school board shall continue  
11 to govern; or

12 (2) Determine the date the district shall lapse and  
13 determine an alternative governing structure for the district.

14 2. [Prior to or] If at the time any school district in this  
15 state shall [lapse, but after the school district has been] be  
16 classified as unaccredited, the department of elementary and  
17 secondary education shall conduct [a] at least two public  
18 [hearing] hearings at a location in the unaccredited school  
19 district regarding the accreditation status of the school  
20 district. The hearings shall provide an opportunity to convene  
21 community resources that may be useful or necessary in supporting  
22 the school district as it attempts to return to accredited  
23 status, continues under revised governance, or plans for  
24 continuity of educational services and resources upon its  
25 attachment to a neighboring district. The department may request  
26 the attendance of stakeholders and district officials to review  
27 the district's plan to return to accredited status, if any; offer  
28 technical assistance; and facilitate and coordinate community

1 resources. [The purpose of the hearing shall be  
2 to:

3 (1) Review any plan by the district to return to accredited  
4 status; or

5 (2) Offer any technical assistance that can be provided to  
6 the district.

7 3. Except as otherwise provided in section 162.1100, in a  
8 metropolitan school district or an urban school district  
9 containing most or all of a city with a population greater than  
10 three hundred fifty thousand inhabitants and in any other school  
11 district if the local board of education does not anticipate a  
12 return to accredited status, the state board of education may  
13 appoint a special administrative board to supervise the financial  
14 operations, maintain and preserve the financial assets or, if  
15 warranted, continue operation of the educational programs within  
16 the district or what provisions might otherwise be made in the  
17 best interest of the education of the children of the district.  
18 The special administrative board shall consist of two persons who  
19 are residents of the school district, who shall serve without  
20 compensation, and a professional administrator, who shall chair  
21 the board and shall be compensated, as determined by the state  
22 board of education, in whole or in part with funds from the  
23 district.

24 4.] 3. Upon [lapse of the district] classification of a  
25 district as unaccredited, the state board of education may:

26 (1) Allow continued governance by the existing school  
27 district board of education under terms and conditions  
28 established by the state board of education;

1       (2) Appoint a special administrative board, [if such a  
2 board has not already been appointed, and authorize the special  
3 administrative board to retain the authority granted to a board  
4 of education] for the operation of all or part of the district.  
5       The number of members of the special administrative board shall  
6       not be less than five, the majority of whom shall be residents of  
7       the district. The members of the special administrative board  
8       shall reflect the population characteristics of the district and  
9       shall collectively possess strong experience in school  
10       governance, management and finance, and leadership. Any special  
11       administrative board appointed under this section shall be  
12       responsible for the operation of the district until such time  
13       that the district is classified by the state board of education  
14       as provisionally accredited for two successive academic years,  
15       after which time the state board of education may provide for a  
16       transition pursuant to section 162.083;

17       [(2)] (3) Determine an alternative governing structure for  
18       the district including, at a minimum:

19       (a) A rationale for the decision to use an alternative form  
20       of governance and in the absence of the district's achievement of  
21       full accreditation, the state board of education shall review and  
22       recertify the alternative form of governance every three years;

23       (b) A method for the residents of the district to provide  
24       public comment after a stated period of time or upon achievement  
25       of specified academic objectives;

26       (c) Expectations for progress on academic achievement,  
27       which shall include an anticipated timeline for the district to  
28       reach full accreditation; and

1        (d) Annual reports to the general assembly and the governor  
2        on the progress towards accreditation of any district that has  
3        been declared unaccredited and is placed under an alternative  
4        form of governance, including a review of the effectiveness of  
5        the alternative governance;

6        (4) Attach the territory of the lapsed district to another  
7        district or districts for school purposes; or

8        ~~[(3)]~~ (5) Establish one or more school districts within the  
9        territory of the lapsed district, with a governance structure  
10       ~~[consistent with the laws applicable to districts of a similar~~  
11       ~~size]~~ specified by the state board of education, with the option  
12       of permitting a district to remain intact for the purposes of  
13       assessing, collecting, and distributing property taxes, to be  
14       distributed equitably on a weighted average daily attendance  
15       basis, but to be divided for operational purposes, which shall  
16       take effect sixty days after the adjournment of the regular  
17       session of the general assembly next following the state board's  
18       decision unless a statute or concurrent resolution is enacted to  
19       nullify the state board's decision prior to such effective date.  
20       ~~[The special administrative board may retain the authority~~  
21       ~~granted to a board of education for the operation of the lapsed~~  
22       ~~school district under the laws of the state in effect at the time~~  
23       ~~of the lapse.]~~

24       [5.] 4. A special administrative board appointed under this  
25       section shall retain the authority granted to a board of  
26       education for the operation of the lapsed school district under  
27       the laws of the state in effect at the time of the lapse and may  
28       enter into contracts with accredited school districts or other

1 education service providers in order to deliver high quality  
2 educational programs to the residents of the district. If a  
3 student graduates while attending a school building in the  
4 district that is operated under a contract with an accredited  
5 school district as specified under this subsection, the student  
6 shall receive his or her diploma from the accredited school  
7 district. The authority of the special administrative board  
8 shall expire at the end of the third full school year following  
9 its appointment, unless extended by the state board of education.  
10 If the lapsed district is reassigned, the special administrative  
11 board shall provide an accounting of all funds, assets and  
12 liabilities of the lapsed district and transfer such funds,  
13 assets, and liabilities of the lapsed district as determined by  
14 the state board of education. Neither the special administrative  
15 board nor its members or employees shall be deemed to be the  
16 state or a state agency for any purpose, including section  
17 105.711, et seq. The state of Missouri, its agencies and  
18 employees, shall be absolutely immune from liability for any and  
19 all acts or omissions relating to or in any way involving the  
20 lapsed district, the special administrative board, its members or  
21 employees. Such immunities, and immunity doctrines as exist or  
22 may hereafter exist benefitting boards of education, their  
23 members and their employees shall be available to the special  
24 administrative board, its members and employees.

25 [6. Upon recommendation of the special administrative  
26 board, the state board of education may assign the funds, assets  
27 and liabilities of the lapsed district to another district or  
28 districts. Upon assignment, all authority of the special

1 administrative board shall transfer to the assigned districts.

2       7.] 5. Neither the special administrative board nor any  
3 district or other entity assigned territory, assets or funds from  
4 a lapsed district shall be considered a successor entity for the  
5 purpose of employment contracts, unemployment compensation  
6 payment pursuant to section 288.110, or any other purpose.

7       [8.] 6. If additional teachers are needed by a district as  
8 a result of increased enrollment due to the annexation of  
9 territory of a lapsed or dissolved district, such district shall  
10 grant an employment interview to any permanent teacher of the  
11 lapsed or dissolved district upon the request of such permanent  
12 teacher.

13       [9. (1) The governing body of a school district, upon an  
14 initial declaration by the state board of education that such  
15 district is provisionally accredited, may, and, upon an initial  
16 declaration by the state board of education that such district is  
17 unaccredited, shall develop a plan to be submitted to the voters  
18 of the school district to divide the school district if the  
19 district cannot attain accreditation within three years of the  
20 initial declaration that such district is unaccredited. In the  
21 case of such a district being declared unaccredited, such plan  
22 shall be presented to the voters of the district before the  
23 district lapses. In the case of such a district being declared  
24 provisionally accredited, such plan may be presented before the  
25 close of the current accreditation cycle.

26       (2) The plan may provide that the school district shall  
27 remain intact for the purposes of assessing, collecting and  
28 distributing taxes for support of the schools, and the governing

1 body of the district shall develop a plan for the distribution of  
2 such taxes equitably on a per-pupil basis if the district selects  
3 this option.

4 (3) The makeup of the new districts shall be racially  
5 balanced as far as the proportions of students allow.

6 (4) If a majority of the district's voters approve the  
7 plan, the state board of education shall cooperate with the local  
8 board of education to implement the plan, which may include use  
9 of the provisions of this section to provide an orderly  
10 transition to new school districts and achievement of accredited  
11 status for such districts.

12 10.] 7. In the event that a school district with an  
13 enrollment in excess of five thousand pupils lapses, no school  
14 district shall have all or any part of such lapsed school  
15 district attached without the approval of the board of the  
16 receiving school district.

17 8. Nothing in this section or section 162.083 shall  
18 supersede, or be construed to supersede, the provisions of  
19 section 167.131 and section 167.241. No action of the state  
20 board of education shall be contrary to the provisions of section  
21 167.131 and section 167.241.

22 162.083. 1. The state board of education may appoint  
23 additional members to any special administrative board appointed  
24 under section 162.081.

25 2. The state board of education may set a final term of  
26 office for any member of a special administrative board, after  
27 which a successor member shall be elected by the voters of the  
28 district.



1           (1) All final terms of office for members of the special  
2 administrative board established under this section shall expire  
3 on June thirtieth.

4           (2) The election of a successor member shall occur on the  
5 general municipal election day immediately prior to the  
6 expiration of the final term of office.

7           (3) The election shall be conducted in a manner consistent  
8 with the election laws applicable to the school district.

9           3. Nothing in this section shall be construed as barring an  
10 otherwise qualified member of the special administrative board  
11 from standing for an elected term on the board.

12           4. [If the state board of education appoints a successor  
13 member to replace the chair of the special administrative board,  
14 the serving members of the special administrative board shall be  
15 authorized to appoint a superintendent of schools and contract  
16 for his or her services.

17           5.] On a date set by the state board of education, any  
18 district operating under the governance of a special  
19 administrative board shall return to local governance, and  
20 continue operation as a school district as otherwise authorized  
21 by law.

22           Section B. Because of the need to provide immediate  
23 guidance on the operations of unaccredited districts, section A  
24 of this act is deemed necessary for the immediate preservation of  
25 the public health, welfare, peace and safety, and is hereby  
26 declared to be an emergency act within the meaning of the  
27 constitution, and section A of this act shall be in full force  
28 and effect upon its passage and approval.